IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4151 OF 2005
IN
CRIMINAL APPLICATION NO.1237 OF 2005

Vasant Vistari Poreddiwar ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr.V.V.Purwant for the Applicant
Ms M.M.Deshmukh, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 3,2005

P.C.:

1. Heard learned Advocate for the Applicant and the learned A.P.P. for State. The learned A.P.P. has placed on record a copy of report dated 25th July 2005 submitted by the Deputy Superintendent of Police, State C.I.D. Flying Squad, Pune to the Public Prosecutor and a copy of letter dated 25th July 2005 sent by the State Government to the Additional Superintendent of Police, State C.I.D., Flying Squad, Pune.

2. The Application is for modification of the conditions imposed by this Court by order dated 23rd February 2005 in Criminal Application No.1237 of 2005 while enlarging the Applicant on bail. The conditions in respect of which modification is sought are conditions (B), (C) and (F) which read thus :

"(B) The Applicant shall not enter the District Solapur during

the pendency of the trial except for Court cases on the specified dates.

(C) The Applicant shall inform his place of residence to the investigating Officer as well as the Trial Court within one week from the date of release. Besides the Applicant will report to the office of the Flying Squad, State C.I.D., Pune on every Monday between 10 a.m. to 8 p.m. for the purposes of investigation or as and when called upon by the investigating officer in that behalf till the filing of the charge sheet.

(F) The Applicant shall not leave the place of residence without prior intimation to the Investigating Officer as well as the Trial Court."

3. The Applicant is an I.A.S. cadre Officer who was placed under deemed suspension with effect from 1st February 2005. After this Court passed an order enlarging the Applicant on bail, by order dated 7th April 2005, State Government revoked the suspension. By subsequent order dated 7th May 2005 issued by the General Administration Department of the State Government, the Applicant was appointed as the Director, Ground Water Survey and Development Agency, Pune. The case made out in this Application is that for discharging his duty, the Applicant is required to travel all over the State of

Maharashtra and therefore he will have to enter District Solapur. Further case is made out that nature of his duty requires the Applicant to undertake travelling very frequently and therefore condition (F) requiring the Applicant not to leave the place of residence without prior intimation of the Investigating Officer as well as the Trial Court will become unworkable. The submission of the Applicant is that in view of his appointment as Director, Ground Water Survey And Development Agency, Pune it will be impossible for him to attend the office of Flying Squad on every Monday between 10 a.m. to 8 p.m.

4. In the letter dated 21st July 2005 sent by the State Government to the Additional Superintendent of Police, State C.I.D. Flying Squad, the nature of duties of the office of Director have been set out. The said letter records that the Applicant will have to undertake tour of the entire State. It is stated that due to water scarcity in District Solapur for last four years, he will have to visit District Solapur and he will have to guide the concerned Officers by holding regular meetings.

5. It is apparent from the letter of the State Government that for discharging his duties as a Director, Ground water Survey And Development Agency, the Applicant will have to enter District Solapur very frequently. Therefore, restraint

against the Applicant from entering District Solapur will have to be modified. Considering the extent and nature of duties of the Applicant, it will be practicably impossible for the Applicant to attend the office of Flying Squad, C.I.D. during office hours. Therefore, the said condition will have to be modified. The Condition (F) needs to be deleted. While modifying the said conditions the Applicant will have to be directed to furnish his cell phone number to the Investigating Officer.

6. Considering the nature of the duties of the Applicant, the learned A.P.P. has fairly stated that the State will submit to the ordesr of this Court.

7. Hence I pass the following order :

i) Conditions (B) and (C) in order dated 23rd February 2005 passed in Criminal Application no.1237 of 2005 will be substituted by following :

"(B) The Applicant shall not enter District Solapur during the pendency of the trial except for the purpose of discharging his duties as a Director, Ground water Survey And Development Agency and except for court cases on the specified dates. As and when the Applicant is required to enter District Solapur for discharging his duties, he will give intimation of his

visit to District Solapur to the Investigating Agency.

(C) The Applicant shall inform his place of residence to the Investigating Officer as well as the Trial Court within a period of one week from the date of release. The Applicant will also inform the Investigating Officer his correct cell phone number from time to time. The Applicant will report to the Flying Squad, State C.I.D., Pune once in a fortnight."

8. Condition (F) in order dated 23rd February 2005 stands deleted.

9. Application is disposed of in above terms.

. Parties to act upon an authenticated copy of this order.

JUDGE